

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Applicant's or agent's file reference  
see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

International application No.  
PCT/EP2004/006723

International filing date (day/month/year)  
22.06.2004

Priority date (day/month/year)  
01.07.2003

International Patent Classification (IPC) or both national classification and IPC  
B65D79/00, B65D17/50

Applicant  
CROWN PACKAGING TECHNOLOGY INC

### FOR FURTHER ACTION See paragraph 2 below

#### 1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 eprmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Lendfers, P

Telephone No. +49 89 2399-2933



BEST AVAILABLE COPY

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/EP2004/006723~~IAP20 Rec'd PCT/PTO 22 DEC 2005~~

## Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

BEST AVAILABLE COPY

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/EP2004/006723

**Box No. II Priority**

1.  The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).  
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	1-8
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

## Re Item V.

- 1 The following documents are referred to in this communication:
  - D1 : WO 03/006329 A (BALL MELVILLE DOUGLAS ;ALCAN INT LTD (CA); HAMSTRA PETER (CA); MOU) 23 January 2003 (2003-01-23)
  - D2 : US 3 160 302 A (CHAPLIN GEORGE F) 8 December 1964 (1964-12-08)
  - D3 : GB 454 429 A (ROMAN BLACE BUKOLT) 29 September 1936 (1936-09-29)
  - D4 : US 5 804 237 A (SLOCUM RAY G ET AL) 8 September 1998 (1998-09-08)
- 2 Document D1, which is considered to represent the most relevant state of the art, discloses: a closure for fixing to an open end of a container body, the closure comprising a diaphragm bonded to an annular component, the diaphragm having a centre panel which includes at least one concentric bead such that when the closure is fixed to a container and subjected to pressure differentials, the diaphragm is deflectable outwardly to give an increase in container volume. From this, the subject-matter of independent claim 1 differs in that the profile of the diaphragm beaded panel is selected so that its downward form extends at most to the lowest plane of the annular component. This enables the closure to be used where processing using reel and spiral retorts is necessary. The combination of the features of each of the independent claims 1 and 6 is neither known from, nor rendered obvious by, the available prior art.
  - 2.1 The subject-matter of independent claims 1 and 6 is therefore novel (Article 33(2) PCT) and is considered as involving an inventive step (Article 33(3) PCT).
  - 2.3 Claims 2-5, 7 and 8 are dependent claims and as such also meet the requirements of the PCT with respect to novelty and inventive step.